FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.2192 OF 2006

Shivraj Thakurdas Sharma)..Applicant
Versus
1) The State of Maharashtra)
2) C.B.I.)..Respondents

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

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Mr.P.M.Pradhan for the applicant.

Mr.K.V.Saste APP for the State.

Mr.A.M.Chimalkar for C.B.I.

Coram : R.S.Mohite,J

Date : 21.7.2006.

PC

1. This is an application for grant of bail. The applicant is shown as an accused in C.R.No.135/2002 recorded by Bund Garden police station, Pune for various offences including offence under MCOC Act. On perusal of the record it is seen that there is admissible evidence against the present applicant in the form of a confessional statement of one Jaykishan Singh recorded under

Section 18 of the MCOC Act. The grievance was made by the Advocate for the applicant that the trial Court has refused to give a copy of the statement. Be that as it may, admittedly the copy of the statement is now given and in fact copy of the statement is, though not annexed to the application, handed over across the bar. I have perused the statement. In the statement it is mentioned that one of the co-accused Mr.Reddy who was a Clerk in the Indian Security Press informed Mr.Jaykishan Singh who was an agent of Mr.Telgi that a techonology by way of ultra violet film had been introduced in the supply section of the passport division. That if anybody was interested, then he should talk with the present applicant. This news was conveyed to Mr.Telgi by Mr.Jaykishan Singh. Mr.Telgi then went to Nashik and had a meeting with Mr.Reddy at Natraj hotel. Mr.Reddy talked

with the present applicant on the phone and a meeting was held in the Natraj hotel where Jaykishan, Reddy and the present applicant were present. They had a discussion for 10 minutes about the tender pertaining to ultra violet film. At this meeting, the present applicant is said to have informed Mr.Telgi that he could ensure that the biggest of tender could be given to him and he was willing to help him in the matter of such tenders. On the next date i.e. 13.12.1998 Mr.Jaykishan, Mr.Telgi and Mr.Reddy went to the bungalow of the present applicant, where Mr.Jaykishan and the present applicant were asked to wait outside and Mr.Telgi alone went into the bunglow. When he came out of the bunglow he was carrying a packet and after returning to the hotel, the packet was opened and it was found to contain 4 to 5 ultra violet films and on these films

there was a stamp of Government of India. Mr.Telgi then came back to Bombay with these films.

2. At this point of time taking into account the aforesaid material, it will not be possible to give a finding that there are reasonable grounds for believing that the present applicant is not guilty of the offence under MCOC Act. It was sought to be argued that substantial period of time has elapsed since the arrest. In my view, that cannot be a ground for release of the present applicant on bail. Hence, application is rejected. Certified copy expedited.

(R.S.Mohite,J)